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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/566,630
Filing Date: January 31, 2006
Appellant(s): SAKOH ET AL.

Edward W. Tracy, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 7, 2009 appealing from the Office

action mailed August 19, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2003/0076301 A1   Tsuk et al.   April 24, 2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-11 and 13-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Tsuk et al. (US 2003/0076301 A1).

For claim 1, Tsuk et al. teaches:

A data display control device comprising: a database storing a plurality of text

data with at least a first length [a portion of data set to be displayed, 0068]];

search means for searching the database for at least one piece of text data with the first

length, based on an input search key [scrolling due to user input, 0014];

a hardware display including a display area configured to display text data from the

database, the display area having a width [display with set area, 0068];

control means for obtaining partial text data with a second length that is smaller than the

first length and corresponding to the width of the display area, out of the at least one

piece of text data found by the search means, from the database, and to display the

partial text data on the display area [displaying of partial text to fit viewing area, 0068];

and

scrolling means for horizontally scrolling display of the partial text data and remaining

text data on the display area after receiving a command from a user, the remaining text

data being all the text data other than the partial text data, the scrolling means obtaining

the remaining text data from the database and automatically horizontally scrolling the

remaining text data after the partial text data [horizontal scrolling, 0068 and scrolling in

successive stage without user input, 0011], the scrolling means automatically vertically

scrolls other pieces of text data after automatically horizontally scrolling the remaining

text data after the partial text data [linear (vertical) scrolling, 0081].

For claim 3, Tsuk et al. teaches:

The data display control device according to claim 1, wherein the control means

obtains a text data part, that is larger than the second length and smaller than the first

length, out of the at least one piece of text data found by the search means, with the

text data part added to the partial text data, from the database, and to perform

horizontal scroll display on the display area [displaying partial data of longer data at a

time, then scrolled, 0017].

For claim 4, Tsuk et al. teaches:

The data display control device according to claim 1, wherein the control means

controls to obtain a prescribed maximum number of data, out of a plurality of data found

by the search means, from the database and temporarily store the prescribed maximum

number of data in a storage medium, and displays a part of the prescribed maximum

number of data on the display in accordance with a height of the display [storage of

media data in cache before processor display data as necessary, 0073-0074].

Claim 5 is a method of claim 1 and 7. Tsuk et al. teaches the limitations of claim 1 and

7 for the reasons stated above and below, respectively.

Claim 6 is a program of claim 1 and 7. Tsuk et al. teaches the limitations of claim 1 and

7 for the reasons stated above and below, respectively.

For claim 7, Tsuk et al. teaches:

The data display control device according to claim 1, wherein the display area

has a height of one line of text data [display of single line of data, 0009].

For claim 8, Tsuk et al. teaches:

The data display control device according to claim 1, further comprising:

speaker means for playing audio content [speaker for audio output, 0075].

For claim 9, Tsuk et al. teaches:

The data display control device according to claim 8, wherein the text data is a

title of the audio content [display of list of songs, 0062].

For claim 10, Tsuk et al. teaches:

The data display control device according to claim 8, wherein the text data is a

name of an artist performing the audio content [media item of songs displayed, 0069].

Claim 11 is a unit device of claim 1. Tsuk et al. teaches the limitations of claim 1 for the

reasons stated above.

Claim 13 is a unit device of claim 3. Tsuk et al. teaches the limitations of claim 3 for the

reasons stated above.

Claim 14 is a unit device of claim 4. Tsuk et al. teaches the limitations of claim 4 for the reasons stated above.

Claim 15 is a unit device of claim 7. Tsuk et al. teaches the limitations of claim 7 for the reasons stated above.

Claim 16 is a unit device of claim 8. Tsuk et al. teaches the limitations of claim 8 for the reasons stated above.

Claim 17 is a unit device of claim 9. Tsuk et al. teaches the limitations of claim 9 for the reasons stated above.

Claim 18 is a unit device of claim 10. Tsuk et al. teaches the limitations of claim 10 for the reasons stated above.

(10) Response to Argument

i. Ground of Rejection No. 1

35 U.S.C 102(e) Rejections by Tsuk

Appellant argues that Tsuk et al. (US 2003/0076301 A1) teaches away from automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data for claim 1, 5, 6 and 11. Appellant particularly points to "automatic scrolling" as the feature missing from the reference and thus mot anticipating the claims.

Appellant is in disagreement with the following step as being taught by Tsuk et al.

"scrolling means for horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling

means obtaining the remaining text data from the database and automatically

horizontally scrolling the remaining text data after the partial text data, the scrolling

means automatically vertically scrolls other pieces of text data after automatically

horizontally scrolling the remaining text data after the partial text data."

The aforementioned step of scrolling is viewed, during examination, as displaying

an overflow of characters past the display area through the step of scrolling and a

further step of scrolling down vertically after the horizontal scrolling. The vertical and

horizontal steps are argued to be automatic. But the first section of the scrolling step

describes the partial text data to be the "remaining text data", which is horizontally

scrolled **after** receiving "a command from a user". Thus the step of scrolling the data

horizontally and vertically is initiated by a user command and **not** *automatically*. Tsuk et

al. teaches a lengthy dataset being displayed through scrolling horizontally [0011] and

also being able to display portions of data vertically by scrolling [0068]. Tsuk et al. also

teaches a command from a user through a "rotational user action" from the user [0011]

and the act of scrolling horizontal and/or vertical scrolling therein [0068], thus rendering

the latter action to be automatic as perceived by the Appellant's claim language.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ajith Jacob/

Examiner, Art Unit 2161

December 31, 2009

Conferees:

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